

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.20049 of 2005

Dated:26.10.2007

Between

1.M.V.V.N.R.Satya Vani and others.

..Petitioners

and

1.The Chairman & Managing Director
Eastern Power Distribution Co. Ltd of
AP., Visaakhapatnam and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU
W.P.No.20049 of 2005

ORDER:

This case has a chequered history. It appears that initially the case of the petitioner was considered for absorption into service as per B.P.Ms.No.36 dated 18.5.1997, and rejected on the ground that as on 18.5.1997 he was not on the rolls, further he had not produced any evidence to that effect. Aggrieved by the same, petitioner and others filed writ petitions being WP No.20465 of 2003 and batch before this Court and they were disposed of holding that the petitioner herein and others are on the rolls, working under a Contractor as on 18.5.1997. However, directed the respondents to consider the case of the petitioner herein and others for appointment as

LDC and pass appropriate orders within a period of three weeks from the date of receipt of a copy of that order.

Aggrieved thereby, the respondent-Management had filed WA No.1842 of 2004 and batch and the said writ appeals were disposed of on 25th November, 2004 holding that though the learned single Judge, having no other material to come to a definite conclusion, had drawn the inference, but at the same time it does not preclude the authorities from reconsidering the issue as to whether the respondents therein had in fact worked as contract labour with reference to the documents and further enquiry if any conducted by the authorities in this regard to reach the object sought to be achieved by BPMS No.36. Challenging the same, the petitioners carried the matter in appeal in SLP Nos.4142-4146 of 2005 and the said SLP was disposed of with the following direction:

“Learned counsel for the petitioner submits that he has valid

certificate as required under Notification to show that on the relevant date, namely, 18.5.1997 he was working with the contractor in the project concerned and that he is entitled to the benefit of notification. If that be so as provided in the impugned judgment of the Division Bench itself it is open to him to show the certificate to the authorities concerned and convince them.”

With the above observation, these SLPs are disposed of.”

It appears, thereafter the impugned order dated 18.7.2005 was passed saying that no fresh material has been placed along with the representation dated 11.2.2005 therefore the documents enclosed to the representation do not establish that the petitioner was working as on 18.5.1997. Hence, the case of the petitioner was not considered for absorption in terms of BPMS No.36, dated 18.5.1997.

From a reading of the Judgment of the apex Court in the above SLPs, the petitioner is supposed to file fresh documents if any to establish that he was working as on 18.5.1997 for the purpose of considering his case as per

the B.P. Ms. No.36, dated 18.5.1997, but absolutely no documents were placed before the respondents for considering his case afresh for the purpose of absorption. Even along with this writ petition also no such documents are filed.

Under those circumstances, the respondents cannot be blamed for not considering the case of the petitioner as per law. However, to give one more opportunity to the petitioner to establish his case that he was on the rolls as on 18.5.1997 the petitioner is directed to file a detailed representation along with documents to show that he was on the rolls with the contractor as on 18.5.1997 and the respondents are directed to consider the case of the petitioner on the basis of the documents to be produced by him and pass appropriate orders, as per law, within a period of four weeks from the date of receipt of the representation from the petitioner and communicate the same to him.

With the above observation, the writ
petition is disposed of. No costs.

26-10-2007

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